

# Bereskin & Parr

INTELLECTUAL PROPERTY LAW

Appl. No. 10/582,982

Response dated December 23, 2008

Reply to Office Communication of December 4, 2008

Appl. No	:	10/582,982	Confirmation no. 1560
Applicants	:	Robert C. Shipman and David K. H. Lee	
Filed	:	June 15, 2006	
Title	:	Materials and Methods for Analysis of ATP-Binding Cassette Transporter Gene Expression	
TC./A.U.	:	1634	
Examiner	:	POHNERT, Steven C.	
Docket No.	:	13516-4	
Customer No.	:	001059	

## RESPONSE TO OFFICE COMMUNICATION

### FILED ELECTRONICALLY

Honorable Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This paper is in response to the Office Communication of December 4, 2008.  
This Response is timely filed.

### Recordation of Substance of Telephone Interview with Examiner Pohnert

In accordance with 37 CFR §1.113(b), the Applicants submit the following recordation of the substance of a telephone interview with the Examiner that occurred on November 26, 2008. The following information is to supplement the information provided on form PTOL-413 dated December 4, 2008, prepared by the Examiner.

Present at the interview were Examiner Pohnert, Patricia Folkins (Agent for the Applicants), Robert Shipman (inventor), David Lee (inventor) and Jodi Morrison (employee of Assignee). There were no exhibits shown or demonstrations conducted during the interview. The merits of all of the currently rejected claims were discussed.

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TORONTO MISSISSAUGA WATERLOO MONTREAL

Appl. No. 10/582,982

Response dated December 18, 2008

Reply to Office Communication of November 19, 2008

Specific prior art that was discussed included Denefle et al. (WO02/46458), Dean et al, Monahan et al, Schmitz (WO00/18912), GenBank AC069137.6, Boyd et al, GenBank U63970.1, Wan et al, Kruh et al, GenBank Z31010.1 and Ota et al.

The Agent for the Applicants had contact the Examiner as a follow up to the interview that occurred on November 10, 2008. In particular, the Applicants wished to discuss the type of data that might be beneficial to overcoming the current obviousness rejection. Various options were discussed but no agreement was reached.

The Applicants appreciate the Examiner's assistance with this matter and are gathering data to file a declaration within 6 weeks of the interview date.

Respectfully submitted,

**BERESKIN & PARR**



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